

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

**KENESHA BARNES, ON BEHALF
OF THE ESTATE OF SHERRIE
BARNES,**

PLAINTIFF,

VS.

CIVIL ACTION NO. 3:03CV60-P-D

**KOPPERS, INC., F/K/A KOPPERS
INDUSTRIES, INC.; BEAZER EAST, INC;
ILLINOIS CENTRAL RAILROAD
COMPANY,**

DEFENDANTS.

ORDER

This matter comes before the court upon Defendants' motion in limine to bar evidence regarding groundwater and drinking water contamination [853-1]. Upon due consideration of the motion and the responses filed thereto, the court finds that the motion should be granted. The defendants are correct that the plaintiff has no evidence meeting Fed. R. Evid. 702 or Fed. R. Civ. P. 26(a)(2) standards to show that Sherrie Barnes was exposed to contaminated ground or drinking water. The defendants are also correct that the plaintiff has admitted having no such evidence on prior occasions.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Defendants' motion in limine to bar evidence regarding groundwater and drinking water contamination [853-1] is **GRANTED**; therefore,

(2) The plaintiff may not admit any evidence or testimony showing or tending to show the presence of contaminated drinking or groundwater near the Carver Circle neighborhood since such

evidence would be legally irrelevant to Sherrie Barnes's claims.

SO ORDERED this the 11th day of April, A.D., 2006.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE